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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,491	03/10/2004	Krisztian Kiss	042933/273086	5661
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ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000				
EXAMINER				
CONTTEE, JOY KIMBERLY				
ART UNIT		PAPER NUMBER		
2617				
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08/05/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,491

Applicant(s)

KISS ET AL.

Examiner

JOY K. CONTEE

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Allowable Subject Matter

2. The indicated allowability of claims is withdrawn in view of the newly discovered reference(s) to overcome the allowance subject matter in claims 6, 7, 13, 14, 20 and 21. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1,3-5,8,10-12, 17, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhao et al. (Zhao), US 2008/0153500.

Regarding claims 1,4,8,11,15 and 18 Zhao discloses a system (and method and terminal) for pushing content to a terminal located within a mobile network or a private network, the system comprising:

a network node (i.e., processor 300, Fig. 4) located across a public network (i.e., Internet) from the network including the terminal (i.e., wireless device), wherein the network node is configured to subscribe to a push service

on behalf of the terminal such that the network node is also configured to receive push content in accordance with the push service (reads on data active message going out to push servers via transceiver interface and internet) (see page 3 [0039,0040,0044]),

wherein the network node is thereafter configured to establish a network-initiated data session with the terminal, and wherein the network node is further capable of registering the terminal in response to the network-initiated data session such that the terminal is capable of receiving the push content based upon the registration (page 3 [0042,0044]).

Regarding claim 3, Zhao discloses a system according to claim 1, wherein the network node is capable of registering the terminal such that the terminal is capable of subscribing to the push service based upon the registration, and thereafter receiving the push content based upon the terminal subscribing to the push service (see page 3 [0039,0040,0044]).

Regarding claim 4, Zhao discloses a system according to claim 1, wherein the network node is capable of establishing a network-initiated data session with the terminal by sending a trigger to the terminal independent of the public network to thereby trigger the terminal to register with the network node (page 3 [0036]).

Regarding claim 5, Zhao discloses a system according to claim 1, wherein the network node is capable of receiving a registration message from the terminal across the public network to thereby identify the terminal across the public network and register the terminal, and wherein the network node is

capable of registering the terminal such that the terminal is capable of receiving the push content based upon the identity of the terminal across the public network(page 1 [0016]).

Regarding claim 10, Zhao discloses a method according to claim 8 further comprising: subscribing to the push service from the terminal based upon the registration, wherein sending the push content comprises sending the push content to the terminal based upon subscribing to the push service from the terminal (see page 3 [0039,0040,0044]).

Regarding claim 11, Zhao discloses a method according to claim 8, wherein establishing a network-initiated data session with the terminal comprises sending a trigger from the network node to the terminal independent of the public network to thereby trigger the terminal to register with the network node(page 3 [0036]).

Regarding claim 12, Zhao discloses a method according to claim 8, wherein registering the terminal comprises receiving a registration message at the network node from the terminal across the public network to thereby identify the terminal across the public network, and wherein sending the push content comprises sending the push content based upon the identity of the terminal across the public network (page 1 [0016]).

Regarding claim 17, Zhao discloses a terminal according to claim 15, wherein the controller is capable of subscribing to the push service based upon the registration, and wherein the controller is capable of receiving the push

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content based upon subscribing to the push service from the terminal(see page 3 [0039,0040,0044]).

Regarding claim 18, Zhao discloses a terminal according to claim 15, wherein the controller is capable of receiving a trigger from the network node to the terminal independent of the public network to thereby establish a network-initiated data session and trigger the terminal to register with the network node (page 3 [0036]).

Regarding claim 19, Zhao discloses a terminal according to claim 15, wherein the controller is capable of sending a registration message to the network node across the public network to thereby identify the terminal across the public network such that the network node is capable of registering the terminal, and wherein the controller is capable of receiving the push content based upon the identity of the terminal across the public network(page 1 [0016]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2,9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao, In view of Gielow et al. (Gielow), US Pub. No. 2005/0188406.

Regarding claims 2, 9 and 16, Zhao discloses a system according to claims 1,8 and 15, respectively, wherein the network node is capable of receiving, but fails to explicitly disclose, thereafter storing in a buffer, the push content, and wherein the network node is capable of sending the push content to the terminal from the buffer.

In a similar field of endeavor, Gielow discloses thereafter storing in a buffer, the push content, and wherein the network node is capable of sending the push content to the terminal from the buffer (reads on the media gateway receiving feeds of media channels, buffering and caching the feeds) (see page 2 [0027]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Zhao to include a buffer for the purpose of storing push content since it is known in the field of the art to store content.

7. Claims 7,14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao, in view of El-Beik et al. (El-Beik), US 2005/0117595.

Regarding claims 7,14 and 21, Zhao discloses the limitations of claims 1, 8 and 15 respectively, but fails to explicitly disclose wherein the network node comprises a Session Initiation Protocol (SIP) proxy.

In a similar field of endeavor, El-Beik discloses a delivery network that offers push service and other equipment such SIP proxy (see page 1 [0010]).

At time of the invention it would have been obvious to one of ordinary skill in the art to modify Zhao to use SIP proxy since it is known in the art that SIP proxy is known in the art for push services.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOY K. CONTEE whose telephone number is (571)272-7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571.272.7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

/Joy K Contee/
Patent Examiner (PSA), Art Unit 2617